

## **REMARKS**

### **Status of the Claims**

The Office Action dated October 25, 2010 has been received and reviewed by the applicant. Claims 21-25, 27, 28, 31 and 32 are pending in the application. Claims 21-25, 27, 28, 31 and 32 stand rejected. Reconsideration is respectfully requested.

The rejection states claim 21 stands objected to because of the following informalities: In section (a) of the claims, "images files" should be image files. In response, claim 21 is amended accordingly.

The rejection states that claim 27 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Examiner suggests amending the claim to recite, "A computer program product comprising a computer storage medium stored a computer program having instructions therein for causing the external device to perform the method of claim 21" in order to overcome this rejection. In response, claim 27 is amended accordingly.

### **35 U.S.C. 102(e) REJECTION**

The rejection states that claims 21-24, 27, 28 and 32 stand rejected under 35 U.S.C. 102(e) as being anticipated by Safai (US # 6,167,469). As to claim 21, the rejection states that Safai teaches a method for transferring customized image files stored in a memory of a digital camera (Col. 12, Lines 63-67) to an external device (Col. 8, Lines 61-67; *{External device is the computer that the email which contains the images is checked}*) having an external device database (Figure 6), using a camera database having at least one customizable profile containing a set of image utilization fields (Col. 12, 63-67; Col. 13, Lines 1-6), comprising the steps of (a) transferring a plurality of image files from the memory to the external device (Col. 6, Lines 5-12); (b) accessing the set of image utilization fields (*The computer must access the email address to send the images to the correct email address.*}); (c) modifying each transferred image file in accordance with the set of image utilization fields (Figure 5, *{If a voice message is checked, the images are modified in that a voice message will be attached with them.}*); (d) storing the modified transferred image file in the external device

(Figure 4F, To: “468”); and (e) updating the camera database and the external device database so that both the camera database and the external device database include the same profiles (Figure 4E, Send button “458”; {*Sending the image profile makes the profile stored in the external device and the camera database.*}).

The rejection states that as for claim 22, Safai teaches the method according to claim 21 wherein the set of image utilization fields is stored on the external device (It is inherent that the words gwang@photoaccess.com are stored in the external device.).

#### **RESPONSE TO 35 U.S.C. 102(e)**

The rejection is traversed for the following reasons. After a careful review, it is noted that the rejection does not teach each and every limitation of the claimed invention. Using proper claim interpretation, the prior art does not teach or suggest the claimed invention as illustrated hereinbelow.

More specifically and as noted in bold above, the rejection first uses the term “e-mail address” as analogous to the claimed “image utilization fields.” In this regard, it states “*the computer must access the email address to send the images to the correct email address.*” (Claim 22 further illustrates the point that the e-mail address is being equated to the claimed “image utilization files.”) Then, later in the rejection, it states that “*if a voice message is checked, the images are modified in that a voice message will be attached with them.*” However, this reading required by the rejection completely misses a limitation which is not taught by the cited prior art. More precisely, the claimed invention “modifies each transferred image file ***in accordance with the set of image utilization fields.***” However, since the rejection equates the “e-mail address” to the claimed “image utilization fields,” the rejection must then show the images are modified “in accordance with the e-mail address.” However, this is not the disclosure of the cited prior art as the rejection states the modification (“voice mail attached”) but completely overlooks the fact that this modification **MUST** be done in accordance with the “image utilization files” or the purported “e-mail address” in Safai. This is clearly not the teaching of Safai.


The Examiner is thanked for the rejection but clearly Safai is misinterpreted in order to purportedly teach the claimed invention. Having

pointed out the deficiencies of the rejection, it is respectfully submitted that the rejection be withdrawn and a notice of allowance be issued.

Each of the dependent claims depend either directly or indirectly from claim 21 and are patentable for the same reasons as claim 21.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.